



State of California  
**Respiratory Care Board**  
444 North 3rd Street, Suite 270  
Sacramento, CA 95814  
Telephone (916) 323-9983  
Fax (916) 323-9999  
[www.rcb.ca.gov](http://www.rcb.ca.gov)



August 14, 2003

**Inquiry:** I have been approached and asked to join a Medical Reserve Corp in California. While I believe in the concept and see the need, I have a few questions about my license in this type of situation.

1) At the present time there is no Medical Director of this MRC. It is my belief that in order to perform my duties as an RT there must be a medical director. Is this correct?

2) I have been told by the local Office of Emergency Services Director that in an emergency I could follow the orders and directions of a veterinarian. This doesn't sound right to me, but I have never been faced with a disaster type of situation where an MD or OD was not available. Can you please clarify?

**Response:** “(a) The settings in which respiratory care may be practiced include licensed health care facilities, hospitals, clinics, ambulatory or home health care, physician’s offices and public or community health services. Respiratory care may also be provided during the transportation of a patient, and under any circumstances where an emergency necessitates respiratory care. (b) The practice of respiratory care shall be performed under the supervision of a medical director in accordance with a prescription of a physician and surgeon or pursuant to respiratory care protocols as specified in Section 3702.”

Section 3704(c) defines what a medical director is and the training they would need. “Medical director means a physician and surgeon who is a member of a health care facility’s active medical staff and who is knowledgeable in respiratory care.”

Section 3706 describes the liability associated with emergency care. It states, “A person licensed under this chapter who in good faith renders emergency care at the scene of an emergency which occurs outside both the place and the course of employment shall not be liable for any civil damages as the result of acts or omissions by the person in rendering the emergency care. This section does not grant immunity from civil damages when the person is grossly negligent.”

Reference # 2003-C-24